

MINUTES
BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD
July 23, 2012

I. CALL TO ORDER AND ESTABLISH QUORUM

Andrew Harner called the meeting to order at 9:12 a.m. in Room W-064, 402 West Washington Street, Indianapolis, Indiana and determined that a quorum could be established, in accordance with IC § 25-23.6-2.

Members Present:

George Brenner, M.S., L.C.S.W., L.M.F.T., L.C.A.C., Board Vice Chair
Andrew Harner, M.S.W., L.C.S.W., SW Section Chair
Carla Gaff-Clark, Ed.D., L.M.H.C., CADAC-IV, L.C.A.C., AC Section Chair
Rex Stockton, Ed.D., L.M.H.C., L.C.S.W., L.M.F.T., MHC Section Chair
Sherry Rediger, Ph.D., L.M.F.T.
Chris Falley, L.M.F.T.
Alan Schmetzer, M.D.
Roger Reeves
Steven Douglas, J.D.

Members Absent:

Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., Board Chair
Vacant, Social Work Member

Staff Present:

Thomas McGee, Board Director
Ronnie Saunders III, Assistant Board Director
Donna Sembroski, Legal Counsel, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

STOCKTON/SCHMETZER
Motion carried 8-0-0

III. PERSONAL APPEARANCES

A. Robert A. Hundt, 34004333A
Re: Probation Appearance

Mr. Hundt indicated that he has continued to stay in compliance with his probationary requirements. He has submitted all his reports and has completed all but one hour of his required CEUs. He indicated that he has learned a good deal from his continuing education units.

B. Cheryl L. Hoffman-Gay, 34004806A
Re: Probation Appearance

Ms. Hoffman-Gay indicated that she has continued to stay in compliance with her probationary requirements. The Board reviewed her file and determined that she remained in compliance with her probationary requirements.

C. Sheila S. Day, LCAC Applicant
Re: Positive Response on Initial Application

Ms. Day indicated that she was charged with operating a vehicle while under the influence on February 5, 2011. She then checked herself into Fairbanks Hospital for alcohol dependence. She ultimately pled guilty to OMVI, but is currently appealing this issue with the trial court. The Board raised concerns as to whether she appropriately

disclosed her pending criminal issues on her LCSW renewal application. She indicated that she has continued her treatment.

A motion was made and seconded to table Ms. Day's application until the September meeting to allow her to determine whether or not she wished to withdraw her application.

Motion Carried 8-0-0
Gaff-Clark/Brenner

D. Adam Robert Smithey, LMFTA Applicant
Re: Positive Response on Initial Application

Mr. Smithey indicated that he was arrested for OMVI on March 4, 2009. He indicated that he pled guilty to Operating a Vehicle While Intoxicated Endangering a Person. He completed all of his criminal probation and it has been successfully lifted. He indicated that he has appeared before the Pharmacy Board regarding the same issue with his Pharmacy technician license and it was renewed with no probation. He provided the board with an addictionology report from Dr. Hinchman. He indicated that this has been an "eye-opening" experience.

A motion was made and seconded to approve his application pending documentation of his required supervision hours.

Motion Carried 8-0-0
Brenner/Rediger

E. Ramona Ann Johnson, LSW Applicant
Re: Positive Response on Initial Application

Ms. Johnson indicated that 20 years ago, while she was in her first year of college, she moved to Indianapolis from California. She was the manager for a store. She had purchased a hand gun because she felt unsafe where she was working. She ultimately sold the hand gun to an employee, who in a later incident used the gun to shoot and kill another man. She was tried as an accessory to murder and was convicted. She was sentenced to 35 years in the Women's Correctional Facility. She served 12 and ½ years. Since getting out of prison, she has done everything she can to be an exemplary citizen.

Ms. Diana Creasser, Director of Violence Prevention and Intervention, for Wishard Health Services, presented to the Board on behalf of Ms. Johnson indicating that she has been an exemplary part of their work at Wishard Health Services.

Ms. Johnson indicated that she was able to secure early release based upon her work with younger girls in the correctional facilities to assist them in getting their GED. This helped her get the attention of the Department of Education which helped to secure her early release.

She indicated that she has struggled with the boundaries of working with the underprivileged, but understands the importance of those boundaries.

A motion was made to allow her to sit for the LSW application.

Motion carried 8-0-0
Stockton/Schmetzer

IV. ADMINISTRATIVE HEARINGS

A. In the Matter of the License of Marjorie Ellen Hill, 34005128A
Administrative Cause No. 2010 BHSB 005
Re: Request for Probation Withdrawal

Parties and Counsel Present:

Marjorie Ellen Hill, Respondent
William Lawson, DAG

Participating Board Members:

Mr. Harner (Hearing Officer)
Mr. Brenner
Dr. Stockton
Dr. Gaff-Clark
Dr. Rediger
Ms. Falley
Dr. Schmetzer
Mr. Reeves
Mr. Douglas

Non-Participating Board Members:

None

Case Summary:

Ms. Hill indicated that she has met all the terms of her probation and is asking that her probationary order be withdrawn. She indicated that she has completed everything that has been asked of her. She indicated that she was in a difficult ethical position when the initial action arose and indicates that she now understands that she made the wrong choices. She indicated that she received weekly supervision for an hour and a half and she received detailed supervision regarding boundaries and ethical issues that occur during work. She indicated that she has learned a lot and has grown as a result of this incident.

Ms. Hill indicated that it has been a difficult process but a good process and she feels that she has grown through it.

A motion was made and seconded to withdraw the probation upon Ms. Hill's license.

BRENNER/STOCKTON
Motion carried 9-0-0

B. In the Matter of the License of Elizabeth Covington, 34005521A

Administrative Cause No. 2012 BHSB 010

Re: Petition for Summary Suspension

Parties and Counsel Present:

Elizabeth Covington, Respondent
William Lawson, DAG

Participating Board Members:

Mr. Harner (Hearing Officer)
Mr. Brenner
Dr. Stockton
Dr. Gaff-Clark
Dr. Rediger,
Ms. Falley
Dr. Schmetzer
Mr. Reeves
Mr. Douglas

Non-Participating Board Members:

none

Case Summary:

Mr. Lawson indicated that the parties have entered into a proposed settlement agreement under which she will be placed on summary suspension until such time as her criminal charges are resolved. Ms. Covington indicated that she had freely entered into this agreement.

A motion was made and seconded to approve the proposed settlement agreement.

SCHMETZER/DOUGLAS

Motion carried 9-0-0

C. In the Matter of the License of Rick L. Long, 34000540A

Administrative Cause No. 2012 BHSB 006

Re: Complaint

Parties and Counsel Present:

Rick L. Long, Respondent

William Lawson, DAG

Participating Board Members:

Mr. Harner (Hearing Officer)

Mr. Brenner

Dr. Stockton

Dr. Gaff-Clark

Dr. Rediger

Ms. Falley

Dr. Schmetzer

Mr. Reeves

Mr. Douglas

Non-Participating Board Members:

none

Case Summary:

Mr. Long indicated that he would like to retire his license in exchange for this disciplinary complaint being dismissed. The Board indicated it would hear all the evidence and determine how to proceed following the hearing.

Mr. Lawson questioned Mr. Long regarding whether or not he had practiced during the period of time that his license in Indiana was expired. Mr. Lawson questioned Mr. Long regarding his performance of a court contract regarding providing a psychosocial evaluation. Mr. Long indicated that he was working as a life coach rather than a social worker.

Mr. Long indicated that he received a cease and desist action from the Tennessee Social Work Board based upon unlicensed practice of social work in Tennessee. Mr. Long had seen a patient from Indiana and had signed his paperwork LCSW based upon his possession of an Indiana LCSW. He indicated that he did enter into this agreement to refrain from practice in Tennessee.

Mr. Long indicated that his LPC license in Tennessee was revoked by consent. This was based upon having an inappropriate relationship with a patient.

Mr. Long submitted two exhibits in his defense. One was a release of information form regarding his court contract work and the other was a copy of his life coaching agreement form.

Mr. Long indicated that he has a Masters of Social Work from IUPUI and is certified as an ACSW. He has been licensed since 1992 and was grandfathered in to licensure in Indiana in 1992. His life coach training was done by receiving continuing education through various life coach presenters. He indicated that a Life Coach focuses on the present and the future, rather than clinical evaluations of the past. Mr. Long indicates that he is not certified as a Life Coach.

Mr. Long indicated that he did, in fact, provide the court with a psychosocial evaluation and understands now that this was improper under Indiana law.

A motion was made and seconded to deny his request to surrender his license.

REEVES/DOUGLAS
Motion carried 9-0-0

A motion was made and seconded to find that the Respondent is in violation of Count I
Synopsis of Counts

DOUGLAS/REEVES
Motion carried 9-0-0

A motion was made and seconded to find that the Respondent is in violation of Count II

DOUGLAS/REEVES
Motion carried 8-0-1

A motion was made and seconded to find that Respondent is in violation of Count III

SCHMETZER/DOUGLAS
Motion carried 9-0-0

A motion was made and seconded to place the Respondent on Probation with a requirement for supervision with quarterly reports, not seeing female clients, quarterly personal appearances, 20 CEUs in Category I boundaries within six months, quarterly reports from the Respondent regarding address, employment information.

BRENNER/REEVES
Motion carried 8-0-1

D. In the Matter of the License of Misty Cherish Poole, 990036186A

Administrative Cause No. 2012 BHSB 002

Re: Proposed Default/Complaint

Parties and Counsel Present:

William Lawson, DAG

Participating Board Members:

Mr. Harner (Hearing Officer)
Mr. Brenner
Dr. Stockton
Dr. Gaff-Clark
Dr. Rediger
Ms. Falley
Dr. Schmetzer
Mr. Reeves
Mr. Douglas

Non-Participating Board Members:

None

Case Summary:

A motion was made and seconded to find the Respondent in default

DOUGLAS/SCHMETZER

Motion carried 9-0-0

The State provided documentary evidence showing that Ms. Poole had represented herself as being licensed in the state of Indiana when she did not hold a license.

A motion was made and seconded that Respondent was in violation of all six counts.

DOUGLAS/STOCKTON

Motion carried 9-0-0

A motion was made and seconded to suspend her license for a period of fifty years and assess a fine in the amount of six thousand dollars (\$6,000.00).

DOUGLAS/STOCKTON

Motion carried 9-0-0

E. In the Matter of the License of Brooke Randolph, 39001908A

Administrative Cause No. 2012 BHSB 005

Re: Presentation of Settlement Agreement

Parties and Counsel Present:

Lorie Brown, Counsel for Respondent

Jessica Krug, DAG

Participating Board Members:

Mr. Harner (Hearing Officer)

Mr. Brenner

Dr. Stockton

Dr. Gaff-Clark

Dr. Rediger

Ms. Falley

Dr. Schmetzer

Mr. Reeves

Mr. Douglas

Non-Participating Board Members:

None

Case Summary:

The parties presented a proposed settlement agreement to resolve all the issues in the State's complaint. Ms. Krug presented the proposed findings of fact, proposed conclusions of law, and proposed order. **Synopsis of Complaint**

A motion was made and seconded to approve the settlement agreement.

STOCKTON/REEVES

Motion carried 9-0-0

F. In the Matter of the License of Tadd Whallon, 87000325A

Administrative Cause No. 2012 BHSB 010

Re: Petition for Summary Suspension

Parties and Counsel Present:

Tadd Whallon, Respondent

William Lawson, DAG

Participating Board Members:

Mr. Harner (Hearing Officer)

Mr. Brenner

Dr. Stockton

Dr. Gaff-Clark

Dr. Rediger

Ms. Falley

Dr. Schmetzer

Mr. Reeves

Mr. Douglas

Non-Participating Board Members:

None

Case Summary:

Mr. Lawson indicated that the parties have agreed to a summary suspension for a period of ninety (90) days in this matter. Mr. Whallon indicated that he had freely entered into this agreement.

A motion was made and seconded to accept the proposed settlement agreement

DOUGLAS/FALLEY

Motion carried 9-0-0

V. RECOMMENDATIONS BY ALJ FROM MAY 14, 2012

a. In the Matter of the License of Davena Lewis, LMFT Applicant

Administrative Cause No. 2012 BHSB 008

Re: Appeal of Application Denial

A motion was made and seconded to accept the recommendations of the Administrative Law Judge.

BRENNER/GAFF-CLARK

Motion carried 9-0-0

VI. CEU SPONSOR APPLICATION REVIEW

- A. A motion was made and seconded to accept The CEU Place as a Continuing Education Sponsor.

SCHMETZER/STOCKTON

Motion carried 9-0-0

- B. A motion was made and seconded to accept Laurel Health Care Company as a Continuing Education Sponsor.

VII. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made and seconded to approve the recommendations made by each section of the Board for the licensure application reviews conducted from 8:00 a.m. to 9:00 a.m., and at any other time since the previous board meeting.

Gaff-Clark/Brenner
Motion carried 9-0-0

VIII. OLD/NEW BUSINESS

A. Licensure Reinstatement for Licenses Expired for Three-Plus Years Recommendations

1. Kathy J. Glade, 34000766A

A motion was made and seconded to approve Ms. Glade's application contingent upon her passing the ASWB examination and Jurisprudence Examination.

SCHMETZER/BRENNER
Motion carried 9-0-0

2. Lisa D. Pay, 34001828A

A motion was made and seconded to approve Ms. Pay's application contingent upon her passing the ASWB examination and Jurisprudence Examination.

FALLEY/BRENNER
Motion carried 9-0-0

3. Patricia Anne Ringwalt, 34000645A

A motion was made and seconded to approve Ms. Ringwalt's application contingent upon her passing the ASWB examination and Jurisprudence Examination.

BRENNER/SCHMETZER
Motion carried 9-0-0

B. Supervision by Electronic Means

A discussion was held regarding whether teleconferencing (with a video component) should be allowed to meet supervision requirements where Indiana law requires "face-to-face" supervision. The Board members indicated they could see both the pros and cons of allowing electronic supervision, especially for those in rural settings. Based upon this discussion, the Board asked board staff to gather information regarding current practices in other states.

IX. ADMINISTRATORS' REPORT

Mr. McGee reported that criminal background checks had begun on July 1, 2012 and had been proceeding smoothly as the staff had been previously trained to provide criminal background checks for other boards. Mr. McGee reminded the board that it was set for review by the Regulated Occupations Evaluations Committee. Mr. McGee informed the Board that he would be unable to attend the ASWB Fall Conference and that there was an opening for a Board member to attend.

X. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Behavioral Health and Human Services Licensing Board adjourned at 2:46 p.m.

BRENNER/GAFF-CLARK
Motion carried 9-0-0

**Kimble Richardson, M.S., L.M.H.C., L.C.S.W., L.M.F.T., L.C.A.C., Board President
Behavioral Health and Human Services Licensing Board**